

## REMARKS

This is intended as a full and complete response to the Final Office Action dated October 26, 2006, having a shortened statutory period for response set to expire on January 26, 2007. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-12 and 15-17 remain pending in the application and are shown above. Claims 1-12 and 15-17 stand rejected by the Examiner. Reconsideration of the rejected claims is requested for reasons presented below.

### ***Double Patenting***

Claims 1 and 9 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 38 of copending Application No. 10/268,284 (hereafter Application '284).

Applicants respectfully traverse this rejection.

Applicants respectfully point out that claim 38 of Application '284 does not teach or suggest the claimed subject matter of claims 1 and 9. Particularly, claim 38 of Application '284 does not teach or suggest a deplating electrode positioned radially outward from a plating electrode in an anode fluid volume, as set forth in claims 1 and 9, and claims dependent thereon. Thus, withdrawal of this rejection is respectfully requested.

In telephonic interviews conducted between the Examiner and undersigned Attorney on December 7, 2006 and December 8, 2006, the rejection of claims 1 and 9 was discussed. A detailed interview summary is filed hereinwith. During the interview on December 8, 2006, the Examiner cited *Bacon et al.* (United States Patent No. 4,466,864, hereafter *Bacon*), which is not a reference of record.

During the interviews, the Examiner did not indicate how *Bacon* is applied in the obviousness-type double patenting rejection of claims 1 and 9. Applicants assume that the Examiner intended to provisionally rejected claims 1 and 9 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 38 of copending Application '284 in view of *Bacon*.

Claim 38 of Application '284 is discussed above.

*Bacon* teaches an electroplating apparatus having a diffuser plate 43 supporting a plating electrode 61 and a deplating electrode 62 located concentrically about the plating electrode 61 (Figure 3, column 4 lines 33-47). However, *Bacon* does not teach, or suggest each and every element of claims 1 and 9. Particularly, *Bacon* does not teach or suggest an anode fluid volume, a cathode fluid volume or a deplating electrode disposed in the anode fluid volume as set forth in claims 1 and 9. Neither Application '284 nor *Bacon* suggests a deplating electrode disposed in an anode fluid volume and concentrically about the plating electrode. Therefore, the combination of the Claim 38 of Application '284 and *Bacon* does not teach or suggest the claimed subject matter of claims 1 and 9.

Claims 2-3, 8 and 10 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 38 of copending Application '284 in view of *Woodruff et al* (U.S. Patent No. 6,497,801, hereafter *Woodruff*).

Applicants respectfully traverse this rejection.

Claim 38 of Application '284 is discussed above.

*Woodruff* teaches a titanium anode with a platinum coating. However, *Woodruff* also does not teach or suggest a deplating electrode positioned radially outward from a plating electrode in an anode fluid volume, as set forth in claims 1 and 9, and claims dependent thereon.

Therefore, the combination of the claim 38 of Application '284 and *Woodruff* does not teach or suggest the claimed subject matter of claims 1 and 9, on which claims 2-3, 8 and 10 are dependent. Withdrawal of this rejection is respectfully requested.

Claims 4, 11-12 and 15 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 38 of copending Application '284 in view of *Woodruff*, and further in view of *Mayer et al* (U.S. Patent No. 6,773,571, hereafter *Mayer*).

Applicants respectfully traverse this rejection.

Claim 38 of Application '284 and *Woodruff* are discussed above.

*Mayer* teaches an auxiliary electrode. However, *Mayer* also does not teach or suggest a deplating electrode positioned radially outward from a plating electrode in an anode fluid volume, as set forth in claims 1 and 9, and claims dependent thereon.

Therefore, the combination of the claim 38 of Application '284, *Woodruff* and *Mayer* does not teach or suggest the claimed subject matter of claims 1 and 9, on which claims 4, 11-12 and 15 are dependent. Withdrawal of this rejection is respectfully requested.

Claims 5-7 and 16-17 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 38 of copending Application '284 in view of *Mayer*.

Applicants respectfully traverse this rejection.

Claim 38 of Application '284 and *Mayer* are discussed above.

The combination of the claim 38 of Application '284 and *Mayer* does not teach or suggest the claimed subject matter of claims 1 and 9, on which claims 5-7 and 16-17 are dependent. Withdrawal of this rejection is respectfully requested.

In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed.

Having addressed all issues set out in the Final Office Action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,

  
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